

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

Anticipatory Bail Application No.2250 of 2025

Ramesh Kumar

Age: 50 years, Occ. Business,

R/at: 10, Old Bazar, Kunda,

Pratapgarh, Uttar Pradesh-230204.

... Applicant

Versus

The State of Maharashtra

(At the instance of

Vakola Police Station vide

CR No.1026 of 2024)

... Respondent

Ms Mallika Sharma, along with Ms Asha Joshi, for the applicant.

Mr Anand Shalgaonkar, APP, for the respondent/ State.

API Rahul Pol, Vakola Police Station, Mumbai, present.

Coram : R.N. Laddha, J.

Date : 12 August 2025

P.C.: -

By this application, the applicant seeks pre-arrest bail in connection with CR No.1026 of 2024, registered at Vakola Police Station, Mumbai, for the offence punishable under Sections 305 and 331(3) read with 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. The prosecution alleges that on 18 November 2024, between 10 a.m. and 11:15 a.m., an unknown individual stole eight gold rings worth Rs.80,000/-, eight pairs of gold earrings valued at Rs.60,000/-, two gold chains of Rs.60,000/-, one gold necklace valued at Rs.40,000/-, one gold mangalsutra worth Rs.40,000/-, and cash of Rs.1,60,000/-. During the investigation, it was discovered that the applicant, and another shop jeweller, knowingly received these stolen gold ornaments.

3. Ms Mallika Sharma, the learned Counsel appearing on behalf of the applicant, asserting the applicant's innocence, contends that the applicant has been falsely implicated in the crime. She submits that the applicant has been implicated solely based on the statement of the co-accused, Ashraf, who has been acquitted of the crime on 28 July 2025. Apart from the mere assertion, there is no material on record to substantiate the prosecution's claim that the applicant knowingly received stolen articles. The learned Counsel further submits that the applicant has no criminal antecedents and is ready to abide by any conditions this Court imposes.

4. Mr Anand Shalgaonkar, the learned Additional Public Prosecutor representing the respondent/ State, opposes the applicant's request for pre-arrest bail and contends that the

offence is serious. He submits that during the investigation, the applicant's name was revealed. The applicant was served with notice under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023; however, he did not attend the concerned police station. If granted pre-arrest bail, the applicant may tamper with evidence or influence witnesses.

5. After perusing the records, it transpires that the alleged incident occurred in November 2024. The applicant is a jeweller and proprietor of Rajlaxmi Jewellers. The sole allegation against the applicant is that he allegedly accepted the stolen gold articles from the co-accused, Ashraf. The investigation was completed, charge sheet was filed, trial proceeded and the co-accused, Ashraf, has already been acquitted by the competent Court. The records reveal that apart from the statement of the co-accused, Ashraf, there is no material on record to *prima facie* indicate that the applicant was involved in the crime. The independent witness deposed that co-accused Ashraf, in his presence, never made any disclosure statement during the course of the investigation.

6. In view the above circumstances, the nature of the allegations and the material placed on record, this Court deems it fit to exercise its discretion in favour of the applicant. Hence,

the following order:

ORDER

(i) In the event of the applicant's arrest in CR No.1026 of 2024, registered at Vakola Police Station, Mumbai, he shall be released on bail upon executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.

(ii) The applicant, himself or through any other person, shall not tamper with the evidence or influence witnesses.

7. The application stands disposed of accordingly.

[R.N. Laddha, J.]